

Ethics Council – Mandate, Responsibilities, Composition, Process & Relationships to Other Councils

Ethics Council Mandate

- The Ethics Council’s purpose is to oversee DRZC’s “Grievance and Reconciliation Process.” To the extent that informal dispute resolution is not successful, the Grievance and Reconciliation Process offers a formal grievance procedure to address perceived misconduct of sangha members.

Ethics Council Responsibilities

Ethics Council has Stewardship of the following areas:

- Accept and investigate any grievance of alleged unethical conduct. A grievance can be filed by any Sangha member and can name any other member of the Sangha, including an Abbot or Board member, as the focus of the grievance.
- Manage the Grievance and Reconciliation Process in accordance with formally established policy.
- Maintain and review the Grievance and Reconciliation Process procedures at least annually, and make suggestions for revisions to the Board of Directors as necessary.

Composition of Ethics Council

- Three core members and three alternate members.
- Alternates serve whenever a core member is unavailable or has a conflict of interest at the time a grievance is filed.
- Core members and alternates are appointed by the Board of Directors.
- There are no term limits for members, but the Board of Directors conducts an annual review of the Ethics Council.
- The Board of Directors can solicit nominations for new Ethics Council members from the Sangha on an as-needed basis.
- Ethics Council members must have been Full Members of DRZC for at least a year and participate regularly in Sangha Activities.
- Ideally, people nominated for the Ethics Council have a background in dispute mediation.
- The Ethics Council does not have non-voting members and no one is required to sit on the Ethics Council.
- **Issue for discussion:** Five of the six current Ethics Council members are lay disciples. If the Ethics Council were asked to investigate a complaint against one or both Abbots, there could be scenarios in which all five Ethics Council members who are lay disciples will want or need to recuse themselves from hearing a complaint against the Abbot(s). This argues for some attention to diversity in membership.

Ethics Council Process

- Core members elect a chair.
- Ethics Council meets at least once a year to review the Grievance and Reconciliation Process.
- The Ethics Council's process consists of four steps: receipt of a complaint, review of the complaint (and decision whether or not to accept the complaint), investigation of the complaint, decision making and preparation of a final report. In some cases, there may be additional steps, including an appeal or reconciliation.
- Decisions can be appealed to the Board or, if there is a conflict of interest with the Board, an outside panel.
- The Ethics Council operates by Consensus Process, and can consult with other parties to facilitate the decision-making process. In the event that consensus cannot be reached there are two options:
 - a. Standing Aside, where one or more members is recorded as abstaining or as casting a dissenting vote, but accepts the majority decision, or
 - b. the Ethics Council can appeal to the Board for guidance and recommendations on achieving resolution.

Relationship of Ethics Council to Other Councils

- Because the Ethics Council has an important but limited scope of responsibility that is driven by formal complaints, the Ethics Council will typically not relate to other Councils except to the extent that another Council is a party to a complaint (e.g., as the complainant, the target of the complaint, or as a collateral informant).
- Ethics Council interacts with the Board of Directors through an annual review, Ethics Council decisions may be appealed to the Board, and the Ethics Council may solicit feedback from the Board when the Ethics Council is unable to arrive at a decision regarding a specific complaint. Similarly, to the extent that there were internal conflict in the Ethics Council, the Board, in its oversight capacity, could be consulted.
- Ethics Council could provide training, if requested, to other Councils on topics related to dispute mediation that do not involve a formal grievance.
- Potential Conflict: Membership on Other Councils. Currently, one core member and one alternate member of the Ethics Council currently sit on one or more of the other Councils. In addition to creating scheduling conflicts, dual (or multiple) roles of this type can create conflicts of interest that may require these members to recuse themselves from complaint investigations more frequently than will be the case for other Ethics Council members. Relatedly, to the extent that membership on these other Councils entails a philosophical orientation that is incompatible with the quasi-judicial nature of the Ethics Council, Ethics Council members who sit on these other Councils may find it taxing or stressful to render judgments on complaints investigated by the Ethics Council.